

P16233

Serial No. 10/734,456

**REMARKS**

Claims 1-20 remain for reconsideration.

The objections to claims 6, 8, 13, and 15 have been noted.

Accordingly, these claims have been amended to clarify the "device" refers to the device in all of the packages. Claim 17 has also been amended to delete the duplicated phrases noted by the Examiner. As amended, it is respectfully requested that the objections to the claims be withdrawn.

All claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,040,934 to Ogusu et al. (Ogusu). This rejection is respectfully traversed based on the following discussion.

Briefly, each functional piece for a particular optoelectronic product (e.g., laser, tap, modulator, Variable Optical Amplifier (VOA), etc.) may be packaged individually. Each package may be equipped with one or more optical windows through which collimated beams are allowed to pass. The individual packages or modules may be mated and aligned together in such a way that the output-collimated beam of one package becomes the input-collimated beam of a second package. In this fashion, any number of individual packages may be linked together to form an optical device performing a more complex operation.

P16233

Serial No. 10/734,456

As shown in Figures 1 and 2-7, individual package or module comprises the same size and shape with the possibility of the windows or openings being located on one or more sides. As explained in paragraph [0018] of the application, in this fashion, any number of individual modules may be mixed and matched to form a more complex component.

Independent claims 1, 10, and 17, have been amended to clarify that the individual packages are all of the "same size and shape" thus giving rise to their mix and match modular capabilities.

In contrast, the optical receptacle apparatus disclosed by Ogusu does not disclose a modular optical system, but rather discloses an apparatus comprising a plurality of odd-sized optical packages (16 and 12) connected to "device block" (item 1 in Figure). These packages 16 and 17 are not the same size or shape and there for cannot be mixed and matched as can embodiments of the present invention. In other words, package 11 could not be swapped with package 16, because they would not fit.

MPEP § 2131 mandates that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT IN THE CLAIM".

Furthermore, the MPEP, citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1051, 1053 (Fed. Cir. 1987), states "[t]he identical invention must be shown in as complete detail as is contained in the... claim" (emphasis added).

Here, Ogusu does not show modular optoelectronic packages having a same size and shape that may be mixed and matched to form a more complex

P16233

Serial No. 10/734,456

optoelectronic system.

It is therefore respectfully submitted that the rejections to the claims are improper under Section 102 as Ogusa cannot anticipate the rejected claims since they do not "teach the identical invention". Further, this reference does not make a case for *prima facie* obviousness under Section 103(a) since the features recited in the claims are not taught or reasonably suggested. Based on the above discussion with reference to the MPEP guidelines, it is respectfully requested that the rejections based on 35 U.S.C. § 102 be withdrawn.

This being the only rejection to claims 1-20 it is respectfully requested that these claims be allowed.

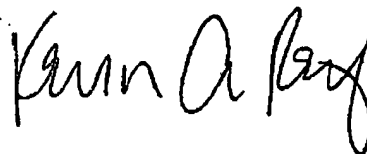
The above features recited in the claims are not taught or suggested by the prior art of record. As such, it is respectfully requested that the outstanding rejections be withdrawn.

P16233

Serial No. 10/734,456

In view of the foregoing, it requested that the application be reconsidered, that claims 1-20 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,



Kevin A. Reif  
Reg. No. 36,381

INTEL  
LF1-102  
4050 Lafayette Center Drive  
Chantilly, Virginia 20151  
(703) 633-6834